



U.S. Department of Justice

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Southern District of New York*

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September 27, 2013

By Hand Delivery

The Honorable Paul A. Crotty
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: October 1, 2013

Re: *Residents for Sane Trash Solutions, Inc., et al. v.
United States Army Corps of Engineers, et al.,*
12 Civ. 8456 (PAC)

*Kellner, et al. v. United States Army Corps of
Engineers, et al.,* 12 Civ. 8458 (PAC)

Dear Judge Crotty:

This Office represents defendants the United States Army Corps of Engineers and Colonel Paul E. Owen (collectively, "USACE") in the above-referenced, related matters. We write respectfully to request the Court's permission to supplement the administrative record produced on June 14, 2013 with the documents contained on the two enclosed disks.

The first disk, Bates-numbered USACE 11470, contains two records that USACE received in electronic format from the New York City Department of Sanitation ("DSNY") in connection with DSNY's application for the permit at issue in these cases: the City of New York's Solid Waste Management Plan ("SWMP") and its Final Environmental Impact Statement ("FEIS"). The second disk, Bates-numbered USACE 11471, contains the copies of the SWMP and FEIS located on DSNY's website, which USACE consulted during its decision-making process. As set forth in the enclosed Certification of Supplement to the Administrative Record dated September 24, 2013, and signed by USACE Project Manager Naomi Handell, these records were before USACE at the time it made the decisions at issue in these cases. However, the records were inadvertently excluded from the administrative record produced on June 14, 2013. We therefore request permission to supplement the record to ensure that these documents are before the Court.

MEMO ENDORSED

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In the event the Court permits supplementation of the record, in light of the volume of material contained on these disks and consistent with USACE's earlier electronic filing of the administrative record, we respectfully request that the Court endorse this letter allowing USACE leave to file these supplemental materials with the Clerk of the Court in electronic format. ✓

We thank the Court for its consideration of this letter.

Respectfully,

PREET BHARARA
United States Attorney for the
Southern District of New York

By:


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Enclosures

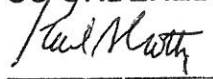
cc: **Federal Express (w/enclosures)**

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✓ ✓
SO ORDERED: 10-1-13


HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE